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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,848

11/13/2003

Fabio DeSisti

7338

9504

7590

01/11/2005

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EXAMINER

TRAN, THUY V

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/712,848

Applicant(s)

DESISTI ET AL.

Examiner

Thuy V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/2/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a response to the Applicants' filing on 11/13/2003 and preliminary amendment concurrently filed therewith. In virtue of this filing and this amendment:

- Claims 1-11 are originally filed (in virtue of this filing);
- Claim 11 is canceled (in virtue of this amendment); and thus,
- Claims 1-10 are now presented in the instant application.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Inventorship***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### ***Drawings Objections***

3. The drawings are objected to because (1) Figs. 1 and 2 are not labeled correctly, and (2) the lines [116'], [115], and [114] in Fig. 4 are broken lines.
4. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37

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CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Abstract Objections*

5. The abstract of the disclosure is objected to because it contains the words "said" in lines 5, 7, and 10. Correction is required. See MPEP § 608.01(b).
6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Objections/ Minor Informalities*

7. Claims 1, 4-5, and 10 are objected to because of the following informalities:

Claim 1, line 6, "a" should be changed to --the--;

Claim 4, line 3, "with" should be changed to --to--; and "said at least" (either occurrence) should be deleted;

Claim 5, line 3, "be" should be deleted; and

Claim 10, line 2, "transformed" should be changed to --transformer--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, the term “the relevant high tension transformer” recited in line 7 renders the claim indefinite since it is not clear whether or not it is the overlapping transformer. If it is, changing the term for consistency of terminology is suggested. Clarification is required.

Claims 2-10 are also rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, since they are dependent on claim 1.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicants’

Admitted Prior Art (AAPA) Fig. 2.

With respect to claim 1, as best understood, AAPA Fig. 2 shows a device for switching on and powering discharge lamps comprising a current limiting device [9], a square wave generator (not shown), an igniter [11], two high tension connection cables [15], a lamp holder [16] with a discharge lamp coupled thereto, wherein said igniter comprises a high tension

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transformer [12] and overlapping transformers [13, 14], and said device is characterized in that said igniter is divided into a first stage of the igniter, or pulse generator transformer, and the high tension transformer [12], and in that said first igniter stage, or pulse generator transformer, and the relevant high tension transformers (overlapping transformers [13, 14] as understood) are assembled along with the above mentioned components.

With respect to claim 2, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, is fixed to the lamp holder (via cables [15]).

With respect to claim 3, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer integrally moves along with the lamp holder (via cables [15]).

With respect to claim 4, AAPA Fig. 2 shows that the current limiting device module [9] is connected by two reduced section cables [OUT1, OUT2] to said first stage of the igniter, or pulse generator transformer.

With respect to claim 5, AAPA Fig. 2 shows that the connection cables between said current limiting device module [9] and said first stage of the igniter, or pulse generator transformer, are subjected to movement and/or traction (since connection is made with cables [OUT1, OUT2]).

With respect to claim 6, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, comprises a transformer [13, 14].

With respect to claim 7, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, comprises two transformers [13, 14].

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA Fig. 2 in view of Elliott (U.S. Patent No. 4,414,491).

With respect to claims 8-10, AAPA Fig. 2 discloses all of the claimed subject matter, as expressly recited in claims 1 and 6-7, except for each of the transformers being comprised of a toroidal core.

Elliott discloses, in Fig. 1, a transformer being comprised of a toroidal core [33].

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the device of AAPA Fig. 2 by employing the transformers individually configured with a toroidal core so as to obtain a reduction of the net flux when increasing the load current and that of size or dimensions since such an arrangement of the transformers with toroidal cores with the stated purpose has been well known in the art as evidenced by the teachings of Elliott (see col. 3, lines 28-31).

***Citation of relevant prior art***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Okamoto et al. (Pub. No.: US 2003/0001515 A1) discloses a light source device.

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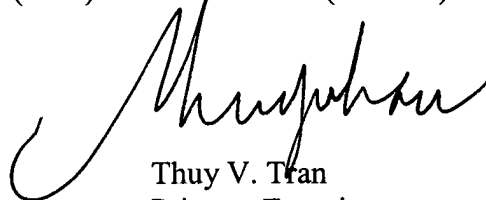
Prior art Huot et al. (U.S. Patent No. 6,356,039) discloses a modular electronic supply device for discharge lamp.

*Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thuy V. Tran  
Primary Examiner  
Art Unit 2821

01/09/2005